

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LUMINATI NETWORKS LTD.

v.

BISCIENCE INC.

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Case No. 2:18-CV-0483-JRG

**PATENT RULE 4-3 JOINT CLAIM CONSTRUCTION
AND PRE-HEARING STATEMENT**

Pursuant to P.R. 4-3 and the Court’s Docket Control Order, Plaintiff Luminati Networks Ltd. (“Luminati”) and Defendant BIScience (2009) Ltd. (which Plaintiff alleges is also known as BIScience Inc.) (“Defendant”) hereby submit this Joint Claim Construction and Prehearing Statement.

I. P.R. 4-3(a)(1) Agreed Constructions

The parties have held a meet-and-confer pursuant to P.R. 4-2(c) and have reached an agreement to remove from consideration certain claim terms identified in the parties’ preliminary lists of claim terms to be construed by the Court pursuant to P.R. 4-1 at this time, but have not reached agreement on any constructions.

II. P.R. 4-3(a)(2) – Proposed Constructions for Disputed Claim Terms and Supporting Evidence

Exhibit A sets forth the parties’ proposed constructions for each disputed term, phrase, or clause of the asserted claims, and identifies intrinsic and extrinsic evidence on which the parties intend to rely.

The parties rely on the intrinsic evidence as a whole relating to the asserted patents, including the claim language, the specification and figures, the file history, and the references cited in the patent. Each party reserves the right to rely on any intrinsic or extrinsic evidence identified

by the other party and any evidence that may be obtained through claim construction discovery. The parties' proposed claim constructions are subject to change as claim construction discovery progresses and the parties brief the issues. Each party reserves the right to supplement or amend its supporting evidence based on newly identified evidence including, but not limited to, evidence related to presentation of declarations or testimony.

III. P.R. 4-3(a)(3) – Anticipated Length of Time for Claim Construction Hearing

The Parties anticipate that the Claim Construction Hearing will require approximately 3 hours, with each side being allotted 1.5 hours.

IV. P.R. 4-3(a)(4) – Witnesses the Parties Propose to Call at Claim Construction Hearing

The parties do not plan to call any live witnesses at the claim construction hearing. The parties, however, may offer expert declarations in support to their claim construction briefs.

V. P.R. 4-3(a)(5) – Other Issues

None at this time.

Pursuant to P.R. 4-3(b), concurrent with this Joint Construction and Pre-Hearing Statement, the parties anticipate serving disclosures of expert testimony for any expert on which the party intends to rely to support its proposed claim construction or indefiniteness position or to oppose any other party's proposed claim construction or indefiniteness position. To the extent that any indefiniteness position was not disclosed in Defendant's P.R. 3-3 disclosures, Plaintiff reserves the right to supplement its expert declaration.

Dated: September 6, 2019

By: /s/ Elizabeth L. DeRieux
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 6th day of September, 2019, with a copy of this document via CM/ECF.

/s/ Eric H. Findlay
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